

D/F

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KINGVISION PAY-PER-VIEW, LTD.,

Plaintiff,

v.

ROJAS DELI GROCERY, INC., d/b/a Rojas  
Deli and Grocery, and MAXIMINO ROJAS,  
Individually and as an officer, director,  
and/or shareholder of Rojas Deli Grocery,  
Inc.,

Defendants.

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GARAUFIS, United States District Judge.

ORDER

06-CV-3042 (NGG) (VVP)

On September 18, 2007, Magistrate Judge Viktor V. Pohorelsky issued a Report and Recommendation (R&R) recommending that Plaintiff be: (1) awarded \$1,500 in statutory damages pursuant to 47 U.S.C. § 605(e)(3)(C)(i)(II); (2) denied damages pursuant to 47 U.S.C. § 553(c); and, (3) awarded \$385 in attorney's fees and costs. No party has filed objections to the R&R.

In reviewing an R&R, this court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). In order to accept a Magistrate Judge's R&R where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)); see also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it is "not facially erroneous").

The R&R is comprehensive and extremely well-reasoned. The court finds no clear error in the R&R and therefore adopts the R&R for the reasons stated therein. Plaintiff's motion for damages pursuant to 47 U.S.C. § 605(e)(3)(C)(i)(II) and attorney's fees is hereby GRANTED. Plaintiff's motion for damages pursuant to 47 U.S.C. § 553(c) is hereby DENIED. The clerk of the court is directed to close this case.

SO ORDERED.

Dated: October 3, 2007  
Brooklyn, N.Y.

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NICHOLAS G. GARAUFIS †  
United States District Judge